

REMARKS

Claims in the case are 16-21 and 30, upon entry of this amendment. Claims 20 and 21 have been amended, Claim 30 has been added, and Claims 15 and 22-29 have been cancelled without prejudice herein. Claims 1-14 were previously cancelled without prejudice in a Preliminary Amendment dated 16 December 2003.

Basis for added Claim 30 is found in Claim 16, and at page 4, lines 16-18 of the specification.

In the Office Action of 15 April 2005, the Examiner has required an election from amongst three groups of claims: Group I (i.e., Claim 15); Group II (i.e., Claims 16-25); and Group III (i.e., Claims 26-29). Applicants herein affirm the previous provisional election of Group II (i.e., Claims 16-25), that was made by Mr. Joseph Gil in a telephone conversation with the Examiner on 13 April 2005. The election of Group II is herein made without traverse.

All non-elected claims have been cancelled, and Applicants will take appropriate action relative thereto in due course.

Claims 20-25 stand rejected under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed with regard to the amendments herein and the following remarks.

Claims 22-25 have been cancelled without prejudice herein. Claim 20 has been amended to recite the term "density" in singular rather than plural form. Claim 21 has been amended herein to clearly state that the calcinating step is performed on cobalt(II) hydroxide, thus resulting in the formation of pure-phase cobalt(II) oxide. Basis for the amendment to Claim 21 is found at page 6, lines 19-26 of the specification.

In light of the amendments herein and the preceding remarks, Applicants' claims are deemed to particularly point out and distinctly claim the subject matter which they regard as their invention. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 16-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 5,250,101 (**Hidaka et al**). This rejection is respectfully traversed in light of the following remarks.

Hidaka et al disclose a method preparing metal or metal hydroxide powder by means of the thermal decomposition of an organic acid metal in the presence of palladium metal. More particularly, Hidaka et al disclose a process or preparing metal or metal hydroxide powder that includes: heating an organic acid metal (e.g., cobalt formate) in the presence of palladium at a temperature elevation rate of 0.5°C to 20°C / minute; and then thermally decomposing the organic acid metal salt in the presence of palladium at a temperature of less than or equal to 400°C. See the abstract; column 1, lines 5-14 and 58-68; and column 6, lines 20-50 of Hidaka et al.

Hidaka et al disclose that the presence of palladium is necessary in their process to allow for thermal decomposition of the organic acid metal at a lower temperature. See the abstract, and column 3, line 66 through column 4, line 2 of Hidaka et al.

At page 3 of the Office Action of 15 April 2005, it is argued that Hidaka et al in Example 2 at column 6, disclose reacting basic cobalt carbonate "with an acid anion which is therefore basic." Applicants disagree, and respectfully submit that the Examiner's position is incorrect. Hidaka et al disclose forming a mixture of methanol, cobalt carbonate and palladium acetate, to which a formic acid solution is added to form a combination of cobalt formate and palladium that is then thermally decomposed to form cobalt powder. See Example 2, at column 2, lines 20-50 of Hidaka et al. A formic acid solution is not and does not represent an aqueous alkaline liquor.

Hidaka et al provide no disclosure, teaching suggestion with regard to using an aqueous alkaline liquor and/or ammonia in their process. Hidaka et al do not disclose, teach or suggest forming an agglomerated cobalt(II) hydroxide by reacting agglomerated cobalt(II) carbonate with an aqueous alkaline liquor and/or ammonia.

In light of the preceding remarks, Applicants' claims are deemed to be unanticipated by, and unobvious and patentable over Hidaka et al. Reconsideration and withdrawal of the present rejection is respectfully requested.

Claims 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over SU 548,570 A (**SU '570**). This rejection is respectfully traversed with regard to the following remarks.

SU '570 discloses the preparation of cobalt protoxide hydrate by reacting cobalt carbonate with aqueous sodium hydroxide. See the English language Derwent abstract (Derwent Acc No. 1977-86019Y) of SU '570, that was previously provided to The Office in an Information Disclosure Statement filed concurrently with the patent application.

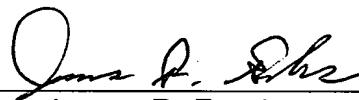
A "protoxide" is defined as "[t]hat one of a series of oxides having the lowest proportion of oxygen (exclusive of suboxides)." See WEBSTER'S NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE 1993 (2nd ed. 1954), included in the appendix herewith. See also http://encarta.msn.com/dictionary_protoxide.html, also included in the appendix herewith.

As such, SU '570 discloses the formation of a cobalt oxide having water associated therewith. SU '570 does not disclose, teach or suggest the formation of agglomerated cobalt(II) hydroxide by reacting cobalt(II) carbonate agglomerates with aqueous alkaline liquors and/or ammonia.

In light of the preceding remarks, Applicants' claims are deemed to be unobvious and patentable over SU '570. Reconsideration and withdrawal of the present rejection is respectfully requested.

In light of the amendments herein and the preceding remarks, Applicants' presently pending claims are deemed to meet all the requirements of 35 U.S.C. § 112, and to define an invention that is unanticipated, unobvious and hence, patentable. Reconsideration of the rejections and allowance of all of the presently pending claims is respectfully requested.

Respectfully submitted,

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APPENDIX

Copies of:

WEBSTER'S NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE 1993
(2nd ed. 1954); and

<http://encarta.msn.com/dictionary /protoxide.html>



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Pro-to-te-ga (prō-tō'stē-gā), *n.* [NL, fr. *proto-* + Gr. *stegē* roof.] *Paleont.* A genus of large marine turtles from the Upper Cretaceous of North America, having a carapace and plastron somewhat like those of the leatherback. It is the type of a family, *Pro-to-ste'gidae* (prō-tō-stē'gīdē; -stē'gīdē).

Pro-to-stele' (prō-tō-stēlē'; -stē'lē), *n.* The solid stèle characteristic of most roots, of the earliest portions of stems, and in the lower pteridophytes, of the whole of the axis; — contrasted with *siphonostele*. See *STELE*. — *pro-to-stele'lic* (-stē'līk), *adj.*

Pro-to-stome (prō-tō-stōm), *n.* *Zool.* The mouth of a gastrula.

Pro-to-the-ca (thē-kā), *n.* [NL, fr. *proto-* + *theca*.] *Zool.*

The cup-shaped structure forming the first part of the skeleton in the Madreporaria. — *Pro-to-the-ca* (kāl), *adj.*

Pro-to-the-ma (prō-tō-thēm), *n.* [*proto-* + theme.] *Philol.*

The most primitive element of a theme or root. *Rare.*

Pro-to-the-rā (thē-rā'), *n.* [NL, fr. *proto-* + Gr. *therion*, dim. of *ther* beast.] *Zool.* A subclass of mammals consisting of the monotremes and sometimes also the extinct Allotheria. Cf. *EUTHERIA*. — *Pro-to-the-rā* (prō-tō-rā'), *n.* — *Pro-to-the-rāian* (-rā'-ēn), *adj.* & *n.*

Pro-to-troch (prō-tō-trōk), *n.* [*proto-* + Gr. *trochos*, wheel.] *Embryol.* The ciliated band or ring characteristic of trochospore larvae. — *Pro-to-troch-al* (prō-tō-trōkāl), *adj.*

Pro-to-trophic (prō-tō-trōfik), *adj.* [*proto-* + trophic.]

Physiol. Deriving nutriment, or the energy of anabolism, from uncombined elements, as the nitrogen-fixing bacteria and sulphur bacteria. Cf. *HETEROTROPHIC*.

Pro-to-type (prō-tō-tip), *n.* [F, fr. NL *prototypus*, fr. Gr. *prototypon*, fr. *prototypos* original, primitive, fr. *protos* first + *typos* type, model. See *PROTO-*; *TYPE*.] 1. An original or model after which anything is copied; a primary form; pattern; exemplar; archetype; as, the *prototype* of a species or of the novel.

2. *Philos.* One of the ideas or patterns in the divine mind after the likeness of which created things are made. Cf. *ECTYPE*, 2; *ARCHEETYPE*, 4 a.

3. *Biol.* a. An ancestral form; an archetype. b. A prototypic type.

Syn. — *PROTOTYPE*, *ANTITYPE*, *ARCHEETYPE*. A *PROTOTYPE* is the pattern or original after which something is copied; an *ANTITYPE* is the reality of which a given type is the representation or symbol; as, "Christ, Melchizedek's *antitype*" (*Aiford*); "a heavenly altar, which is the *antitype*... of the earthly" (*id.*). An *ARCHEETYPE* is an original, often ideal, pattern or model; as, "Above the visible world of sense is the invisible, spiritual world, where, in quite Platonic fashion, the *archetypes* of what are most prized on earth are to be found" (*W. F. Adeney*); the *archetype* of all these manuscripts; cf., "the *archetypal* man... the amplitude of nature's first design" (*Longfellow*).

— *Pro-to-type-al* (-tip'āl), *Pro-to-type-lc* (-tip'ik), *Pro-to-type-cal* (-tip'ikāl), *adj.* — *Pro-to-type-ic-ally*, *adv.*

Pro-to-type, *v. t.* To constitute the prototype of.

Pro-to-ver-a-trine (prō-tō-vēr'ā-trīn; -trīn), *n.* Also *-trīn*. [*proto-* + *veratrine*.] *Chem.* A poisonous crystalline alkaloid, $C_2H_3NO_4$, the chief active principle of the rhizomes of white hellebore (*Veratrum album*).

Pro-to/vum (prō-tōvūm), *n.* [NL. See *PROTO-*; *OVUM*.] *Embryol.* A primitive egg; an egg cell exclusive of any nutritive envelope.

Pro-to/ide (prō-tōk'īd), *n.* *Id.* [*proto-* + *oxide*.] *Chem.* That one of a series of oxides having the lowest proportion of oxygen (exclusive of suboxides).

Pro-to/i/dize (prō-tōk'īz), *v. t.* — *DIZED* (-dīz'), *DIZING* (-dīz'īng). *Chem.* To combine with oxygen, as any element, so as to form a protoxide. *Obs.*

Pro-to/xy/lem (prō-tōzī'lēm), *n.* [*proto-* + *xylem*.] *Bot.*

The first-formed xylem developing from the procambium and consisting of narrow, thin-walled, annular or spiral vessels. Cf. *PROTOPHLOEM*; see *METAXYLEM*, *XYLEM*.

Pro-to/zo/a (-zō'dā), *n.* [NL, fr. *proto-* + *zoa*.] *Zool.*

A phylum of animals whose chief characteristics are that the body consists of only a single cell (in a few cases of several or many cells connected to form a colony), and that they reproduce, not by eggs or spermatozoa, but by the fission of the body (usually by a process of mitosis) into two or more new individuals. In some cases a union of two individuals (called *conjugation*) comparable to the process of fertilization in the higher animals is known to occur, but usually only at an interval of many generations. Most of the Protozoa are too minute to be visible to the naked eye. They are mostly aquatic, abounding in the sea and in stagnant fresh water. Some are parasites, and (as the malaria parasite) are the cause of special diseases. The group comprises great variety of forms, some permanently attached, others which crawl by means of temporarily extruded processes (*pseudopodia*) or swim by cilia or long flagella; some which secrete a shell or case, others entirely naked. Among them are the lowest and simplest of known animals, but some exhibit a considerable number of parts and organs differentiated for particular functions. A common classification of the Protozoa is into the classes *Sarcodina*, *Mastigophora*, *Sporozoa*, and *Infusoria*. *b* [not cap.] *Pl.* of *PROTOZOOON*.

Pro-to/zo/a-cide (-zō'dā-sīd), *n.* [*Protozoa* + *cide*.] Any substance used to kill protozoans. — *Pro-to/zo/a-cid'al* (-sīd'āl; 68), *adj.*

Pro-to/zo/al (prō-tōzō'āl), *adj.* *Zool.* Protozoan.

Pro-to/zo/an (-ān), *adj.* Of or pertaining to the Protozoa. — *n.* One of the Protozoa.

Pro-to/zo/a (prō-tōzō'ā), *n.* [NL, fr. *proto-* + *zoa*.] *Zool.* In certain decapod Crustacea, a larval stage preceding the zoea. — *Pro-to/zo/a-an* (-ān), *adj.*

Pro-to/zo/a-sis (prō-tōzō'ā-sīs), *n.* [NL, fr. *Protozoa* + *-asis*.] *Med.* Infestation with protozoan parasites, esp. in the intestinal tract; also, the resulting diseased condition.

Pro-to/zo/it (-zō'īt), *adj.* *1. Zool.* Pert. to the Protozoa.

2. Geol. Containing, or belonging to the period of, remains of the earliest discovered life. *Obs.*

Pro-to/zo/o-logy (-zō'ō-lōjē), *n.* *Zool.* The study of the Protozoa. — *Pro-to/zo/o-log-i-cal* (-zō'ō-lōjē-kāl), *adj.* — *Pro-to/zo/o-og-ist* (-ōjēst), *n.*

Pro-to/zo/on (-zō'ōn), *n.* *pl.* *PROTOZOA* (-ā). [NL] *Zool.* A protozoan. — *Pro-to/zo/on* (-ōn), *adj.* & *n.*

Pro-to/stron'ti-um, *n.* See *PROTO-* *TOMATES*.

Pro-to/sulphate, *n.* *Pro-to/sulfate*, *n.* *See PRO-* *SULPHIDE*, *n.* See *PROTO*, 5.

Pro-to/syn/o-nose (prō-tō-sīn'ō-nōs), *n.* See *PROTOPHARYNTHES*.

Pro-to/tax/ies (prō-tō-tāksēz), *n.* [NL, fr. *proto-* + *Taxies*.] See *NEMATOPHYTON*.

Pro-to/tipe. Prototype. *Ref. Sp.* *Pro-to/tipe*, *n.* *See PRO-* *TYPICAL*.

Pro-to/tomato (-tōmātō), *n.* *See PRO-* *TOMATO*.

Pro-to/trachea (prō-tō-trāshē), *n.* *See ADLÉ*.

Pro-to/trach-e-a/ta (prō-tō-trāshē-ātā), *n.* *See ADLÉ*.

pro-tract' (prō-trākt'), *v. t.* **PRO-TRACT'ED**; **PRO-TRACT'ING**. [*L. protractus*, past part. of *protrahere* to draw forth, *profract*, fr. *pro* forward + *trahere* to draw. See *PROTRAIT*, *PORTRAY*.] 1. To draw out or lengthen in time or (rarely) in space; to continue; prolong; as, to *protract* a debate, a war. 2. To put off to a distant time; to delay; defer; also, to retard. *Now Rare.*

3. *Surv.* To draw to a scale; to lay down the lines and angles of, with scale and protractor; to plot.

4. *Zool.* To extend or protrude; — opposed to *retract*.

Syn. — Lengthen, extend. *Ant.* — Curtail, shorten.

pro-tract', *n.* [*LL. protractus*.] Extension (of time); delay. *Obs.*

pro-tract'ed (prō-trākt'ēd; -tēd; 119), *adj.* Extended in time; long drawn out; as, a *protracted* evangelistic meeting. — *pro-tract'ed-ly*, *adv.* — *pro-tract'ed-ness*, *n.*

pro-tract'er (-trākt'ēr), *n.* A protractor.

pro-trac-tile (prō-trāk'til); 155), *adj.* Capable of being thrust out or protracted; protrusive. Cf. *RETRACTILE*. — *pro-trac-ti-ly* (prō-trāk'tīl), *n.*

pro-trac-tion (-shōn), *n.* [*LL. protractio*.] 1. The act or instance of protracting; extension; prolongation; delay, as, the *protraction* of a debate.

2. *Surv.* A making of a plot, as on paper, or the plot made. 3. *Gr. & Lat. Pros.* The prolonging of a syllable beyond its usual value. See *PROSODY*.

pro-trac-tive (prō-trākt'īv), *adj.* That protracts or is protracted; delaying.

pro-trac-tor (-tōr), *n.* 1. One who protracts, prolongs, or delays.

2. An in-¹ strument for laying down and measuring angles on paper, used in drawing and plotting; a similar instrument for locating distant forest fires.

3. A tailor's adjustable pattern.

4. *Anat.* A muscle which extends a part; — opp. to *retractor*.

5. *Surv.* An instrument formerly used in extracting foreign or offensive matter from a wound.

Pro-to/má-ta (prō-trē'mā-tā; -trē'mā-tā), *n.* *pl.* [NL, fr. Gr. *pro* in front + *máta* slit.] *Paleont.* & *Zool.*

An order of brachiopods having a hinged shell in which the peduncle opening is restricted to the ventral valve, or absent, and the arms are without a calcareous skeleton. *Productus* is one genus.

Pro-to/re/pik (prō-trē'pik), *pro-trep'i-cal* (-tēp'ikāl), *adj.* [*Gr. protorepikos*, fr. *proto* + *repikos*, to turn forward, to urge on.] Hortatory; persuasive; also, doctrinal.

pro-to/re/pit (prō-trē'pit), *n.* An exhortation. *Rare.*

pro-tri/ame (prō-trē'āmē), *n.* [*See 2d PRO-* *PRO*.] *Zool.* A trireme in which the cladi point in a direction opposite to that of the shaft.

pro-trude' (prō-trōd'), *n.* *pl.* **PRO-TRUD'ING** (prō-trōd'īng). [*L. protrudere*, *pro* forward + *trudere* to thrust. See *INTRUDE*.] Transitive: 1. To thrust forward; to drive or force along, as food being digested. *Now Rare.*

2. To thrust out, as through a narrow orifice or from confinement; to cause to project or stick out; as, to *protrude* one's tongue.

3. To force by obtruding; as, to *protrude* one's opinion.

Intransitive: To shoot out or forth; to be thrust forward; to extend beyond a limit; to project; as, his eyes *protrude*.

4. To thrust or project; as, to *protrude* one's underjaw; by an operation; also, that which is protuberant; a protrusion or bulge, as a bunch, knot, or bump; as, a *protrusion* on his forehead; a *canorous protuberance*.

pro-tru'sive (-sīv), *adj.* 1. That thrusts forward or pushes along; propulsive. *Now Rare.*

2. That protrudes or projects; protuberant; as, a *protrusive* jaw; to pull a *protrusive* manuscript from one's pocket.

3. Characterized by obtrusiveness; that forces attention.

pro-tru'sive-ly, *adv.* — *pro-tru'sive-ness*, *n.*

pro-tu/ber/ance (prō-tō'bērāns), *n.* [*From PROTRUBERANT*.] The quality, condition, or fact of being protuberant; as, to lessen the *protuberance* of an underjaw by an operation; also, that which is protuberant; a protrusion or bulge, as a bunch, knot, or bump; as, a *protuberance* on his forehead; a *canorous protuberance*.

pro-tu/ber/ant, *n.* *adj.* Pertaining to, or in high relief. *Obs.*

pro-tu/ber/ant-ly, *adv.* — *pro-tu/ber/ant-ness*, *n.*

pro-tu/ber/ial (-ēl), *adj.* Of, pertaining to, or of the nature of, a solar prominence, or protuberance.

pro-tu/ber/ate (prō-tō'bēr-āt), *v. i.* [*LL. protuberatus*.] past part. of *protuberare* to bulge out, fr. *pro* forward + *tuber* hump. See *TUBER*.] To swell beyond a surface; to bulge out; to form a prominence or protuberance.

— *v. t.* To cause a protuberance of or in. *Rare.*

pro-tu/ber/os/ty (-ōs'ētē), *n.* Protuberance. *Rare.*

pro-tu/ber/ous (prō-tō'bēr-ōs), *adj.* Protuberant. *Rare.*

pro-tu/ra (prō-tō'rā), *n. pl.* [*NL, fr. proto- + -ura*.] *Zool.* An order of very minute, primitive, wingless, blind insects, lacking antennae, and with the mouth parts concealed within the head. They undergo no noticeable metamorphosis except an increase in the number of abdominal segments. — *pro-tu/rān* (-rān), *adj.* & *n.*

pro-trac/tiv, *Protractive*. *R. S.* 2.

pro-trad/e, *adj.* See 1st *PRO*, 4.

pro-trad/i-tion, *adj.* See 1st *PRO*, 4.

pro-trad/i-tion-al, *adj.* See 1st *PRO*, 4.

pro-trag/e/dy, *adj.* See 1st *PRO*, 4.

pro-trag/i-c, *pro-trag/i-bl*, *adj.* See 1st *PRO*, 4.

pro-trans/fer, *adj.* See 1st *PRO*, 4.

pro-trans/for, *adj.* See 1st *PRO*, 4.

pro-trans/for-ma-tion, *adj.* See 1st *PRO*, 4.

pro-trans-substan/ci-ation, *n.* A protuberating protuberance. *Obs.* — *pro-trans-substan/ci-ate*, *adj.* See 1st *PRO*, 4.

pro-trav/er, *n.* See 1st *PRO*, 2.

pro-trea/sur'er, *n.* See 1st *PRO*, 2.

pro-tre-a/tant, *n.* See 1st *PRO*, 4.

pro-tre-a/tion, *adj.* See 1st *PRO*, 4.

pro-tre-a/tion-al, *adj.* See 1st *PRO*, 4.

pro-tre-a/tion-ly, *adj.* See 1st *PRO*, 4.

pro-tre-a/tion-ness, *n.* See 1st *PRO*, 4.

pro-tre-a/tion-able (prō-trōd'ēblē), *adj.* See 1st *PRO*, 4.

pro-tre-a/tion-ble, *adj.* See 1st *PRO*, 4.

pro-tre-a/tion-ly, *adj.* See 1st *PRO*, 4.

pro-tre-a/tion-ness, *n.* See 1st *PRO*, 4.

pro-tre-a/tion-able, *adj.* See 1st *PRO*, 4.

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pro-tre-a/tion-able, *adj.* See 1st *PRO*, 4.

pro-tre-a/tion-ly, *adj.* See 1st *PRO*, 4.

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 protozoology
 protozoon
 protract
 protracted
 protractile
 protraction

protoxide [prō tók sīd] (*plural*
protoxides)

noun

oxide with lowest proportion of oxygen: an oxide of an element that has the lowest proportion of oxygen of all the oxides of that element

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